

EXHIBIT 1

In the Matter Of:

LYNNE FREEMAN vs

TRACY DEEBS-ELKENANEY

LYNNE FREEMAN

March 24, 2023



1 documents that demonstrate that Tracy Wolff
2 had access to your manuscripts?

3 A. No.

4 Q. Have you ever seen any written
5 documents that demonstrate that Liz Pelletier
6 had access to your manuscripts?

7 A. I'm not sure about that. I don't
8 know.

9 Q. Where do you live right now?

10 A. Where do I live?

11 Q. Yes.

12 A. I'm living in Santa Barbara right
13 now.

14 Q. And do you also have a home in
15 Alaska?

16 A. We sold our family home in Alaska.
17 We have another office and residence that
18 we -- it's an office where you can also
19 sleep. There's a bedroom.

20 Q. So do you split your time between
21 Alaska and California?

22 A. Generally speaking, we had moved
23 back to Alaska to live and had not intended
24 to split our time between Alaska and
25 California, but I am what I view as stuck

1 here right now.

2 Q. Why do you say you're stuck here?

3 A. I can't get on a plane to fly back
4 home, and I can't drive back home right now.

5 Q. And why is that?

6 A. I have a disability. I have panic
7 attacks, and when I am -- if there's been a
8 trauma that triggers me, I'm not able to fly,
9 and I'm not able to drive long distances, so
10 I'm here right now.

11 Q. And did you have a trauma that
12 triggered you recently?

13 A. Yes.

14 Q. What was that?

15 A. The trauma is going into the
16 bookstore and finding the Crave series of
17 books.

18 Q. And why is that traumatizing?

19 A. Because those books contain my
20 life's work, my stories as I wrote them, and
21 information that I shared privately with my
22 agent about not only my life but about
23 developments that we discussed from my books
24 and elements from my stories. And they are
25 in Crave, all of them.

1 Q. And how was that resolved?

2 A. I won the fee arbitration.

3 Q. Are you currently practicing law?

4 A. At the moment, no -- well, I'm not
5 practicing law in traditional sense. I am
6 doing consultant work for people who can't
7 afford attorneys, and I do that for free.

8 I don't have a lot of time for
9 that, but I have one case where I'm serving
10 as a free consultant -- well, two cases where
11 I'm serving as a free consultant for people
12 who can't afford attorneys. And they have
13 someone who is maybe assigned by the state or
14 something, and I will given consultant advice
15 for them.

16 Q. And in what state is this in?

17 A. It's California. I'm not allowed
18 to practice here without being licensed, but
19 I can give consulting advice with another
20 attorney who is helping that person.

21 Q. Is this through another attorney's
22 office or another organization?

23 A. Yeah, yeah, through another
24 attorney's office. If somebody needs it, and
25 they know about me, I will help them.

1 A. Can you define for me the basis,
2 please?

3 Q. What is this belief based -- what
4 is your belief based on?

5 A. Okay. The belief that Tracy
6 copied my manuscripts is based on three
7 things. One, it is based upon some documents
8 that I've seen in production of early
9 versions of Crave that have my exact language
10 or pieces from my book that didn't make it
11 into the published version.

12 It is based on the overwhelming
13 similarities of plot, subplot, characters,
14 scenes, dialogue, sequences. And there's a
15 third thing, but this is -- it is also based
16 on communications that I had with Emily over
17 the years about my life, personal things
18 about me and my family, personal developments
19 that we had in mind for my book series that
20 would be nowhere else, and they're in the
21 Crave series.

22 That is the answer to that
23 question.

24 Q. What types of personal things did
25 you talk about with Emily that you allege are

1 now in the Crave series?

2 A. There's a lot to unpack with that
3 one. So one would be the importance of the
4 heroine having panic and anxiety, what that
5 feels like, why I wrote a character like that
6 for these books, why it was so important to
7 me.

8 Emily felt hesitant about that.
9 She didn't want to have a weak character, and
10 I felt that having a heroine with panic
11 attacks from trauma of losing family and
12 being courageous in the face of the trauma in
13 a supernatural world was really huge. And
14 this was at a time when -- back in 2010 and
15 the early time when you didn't find -- at
16 least I didn't find young adult book books
17 like that with a heroine written that way.

18 And it's personal to me because
19 that's my story. These are based on a
20 semi-autobiographical story that I created as
21 a child growing up in Alaska based on my own
22 life, and that was discussed with Emily.

23 Where the book was going to go;
24 the ideas we had; gargoyles, for example. We
25 specifically discussed my heroine turning

1 into a gargoyle. Emily wanted a name for
2 what she was. I didn't have a name. She was
3 of these different bloodlines, part goddess,
4 part witch, part werewolf, and she wanted a
5 name for that. And she didn't know what
6 gargoyles were, and I have a gargoyle
7 collection.

8 They were all over my writing
9 room. And we discussed that specifically for
10 my book.

11 We discussed the heroine being in
12 a Harry Potter-like boarding school, and
13 Harry Potter was big at that time, coming out
14 with all the movies and everything. And it
15 would seem -- at the time that Emily and I
16 discussed it, I thought it would be cool.
17 What if the -- because what if the heroine is
18 a new girl? What if she comes to this
19 boarding school?

20 And Emily felt like Harry Potter
21 was so big at the time that we couldn't do
22 it. And these were developments discussed
23 for my story and my book, and they are in
24 Crave. And there's more.

25 Q. You said that you had discussed

1 A. Yes, I do.

2 Q. And do you recall whether you knew
3 when you submitted your manuscript to
4 Prospect Agency for review whether you had
5 seen that Tracy Wolff was one of
6 Prospect Agency's authors?

7 A. Absolutely not.

8 Q. And why do you say, absolutely
9 not?

10 A. Because I had no knowledge of who
11 Tracy Wolff was or any of the authors on the
12 Prospect website before I went on to sign
13 with Emily.

14 Q. Were you familiar at that point in
15 time with young adult authors in general?

16 A. Not really, no.

17 Q. And I think earlier you testified
18 that you did not know that your book -- if
19 I'm remembering this right -- was a young
20 adult paranormal romance or fit into that
21 genre; is that correct?

22 A. I don't believe I testified to
23 that.

24 Q. No?

25 A. No.

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1 Q. I thought at one point, you said
2 you did not know -- that when you showed it
3 to friends, they -- maybe you said they
4 didn't know what it was?

5 A. I don't recall that.

6 Q. Okay. What happened after you
7 submitted -- well, strike that.

8 How many chapters of your
9 manuscript BMR did you submit to Prospect
10 Agency for review?

11 A. I'm not sure because as I recall,
12 Emily's website you had to upload the writing
13 sample into it. This is my recollection of
14 how it was done. And I'm not sure it was by
15 chapters or -- it seems like it would have
16 been a number of pages, and I don't know how
17 many page numbers.

18 Q. Do you recall about when you would
19 have done that?

20 A. I would have done it at the same
21 time that I sent it to Jodi Reamer. That was
22 October 2nd of 2010. I tried to do them in
23 small batches of, like, two people at a time.

24 Q. So since you had sent -- you said
25 you sent to more than two. So had you done a

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1 and that sales had the number -- quota of
2 books that they were doing for that year,
3 that with the success of Twilight, the market
4 was really getting flooded and I needed to
5 try to get out with publishers in -- in the
6 US or -- yeah.

7 Q. And that was advice from
8 HarperCollins UK through your friend
9 Michelle, that you should go to other
10 publishers; is that right?

11 MR. DONIGER: Objection. Lacks
12 foundation.

13 A. Yes, they did. She did.

14 BY MR. KOONCE:

15 Q. Before entering into your -- the
16 agency agreement with Prospect Agency, did
17 Ms. Kim make any recommendations to you about
18 to whom she would show your manuscript?

19 A. Can you repeat that question,
20 please?

21 Q. Sure.

22 Before you entered into your --
23 the agency agreement with Prospect Agency,
24 did Emily Kim make any representations to you
25 about who she would show your manuscript to?

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1 A. Before we entered -- I'm trying to
2 understand. Before we entered into an
3 agreement to be represented together, you're
4 asking if Emily said to me who she was going
5 to show my manuscript to?

6 Q. Or who she was not going to show
7 your manuscript to?

8 A. I don't understand the question.
9 I'm so sorry.

10 Q. That's fine.

11 Did she ever represent to you that
12 the only people she would show your
13 manuscript to were editors at publishing
14 houses and readers?

15 A. Yes.

16 Q. When did she make that
17 representation to you?

18 A. I don't recall the when of it. I
19 just recall the specificity of it.

20 Q. And what was the context for that
21 conversation with her?

22 A. My mom told me that I should be
23 getting my book registered with the copyright
24 office. You know, my mom was concerned
25 about, you know, somebody stealing the idea

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1 the time to read every version of everything
2 I wrote. So I literally just made a best
3 guess.

4 Q. So is the first time you
5 registered anything with the copyright office
6 relating to your manuscript, after you had
7 picked up the -- picked up Crush in the
8 bookstore?

9 A. Yes.

10 Q. Did you keep working on your
11 manuscript after you eventually parted ways
12 with Prospect Agency?

13 A. Yes.

14 Q. And I take it you did not send any
15 versions of your manuscript that you worked
16 on after you parted ways with Prospect Agency
17 to Ms. Kim?

18 A. I don't recall.

19 Q. Would there have been a reason for
20 you to send her versions of your manuscript
21 after you parted ways with Prospect Agency?

22 A. Yes.

23 Q. Why -- why would you have done
24 that?

25 A. Emily reached out to me in 2015

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1 when I was headed to a Santa Barbara Writers
2 Conference with a piece of what I was working
3 on at that time, and she said she was
4 interested in it and I -- for the Santa
5 Barbara Writers Conference, I was preparing
6 that to give to them.

7 Q. And you believe you sent that to
8 Ms. Kim?

9 A. I do.

10 Q. Okay. Are there e-mails between
11 you and Ms. Kim when she reached out to you?

12 A. There's only the one that I have.

13 Q. As you sit here today, do you
14 recall definitively whether you sent Ms. Kim
15 anything in 2015?

16 A. I do not recall definitively.

17 Q. And is that -- when you say it was
18 a piece of the manuscript that you were going
19 to show at the Santa Barbara conference, was
20 it the entirety of what was then called
21 Masqued?

22 A. No. No.

23 Q. What portion -- how large of
24 portion was it?

25 A. What I did is that I took the

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1 first -- don't quote me about exact number of
2 pages, but it's 150-ish pages. It could be
3 180. It could be 120, but something around a
4 150 pages for my 2014 manuscript, and there
5 were different versions of 2014 I had been
6 working on simultaneously when I was with
7 Emily. And I took those 140 pages, and I
8 saved them and used it for the Santa Barbara
9 Writers Conference.

10 Q. Okay. And do you have a copy of
11 that version of your work somewhere?

12 A. We all do. It's in production.
13 It's -- yes.

14 Q. What's it called?

15 A. It's -- I call it 2016, but that's
16 what it is.

17 Q. Even though this is something you
18 prepared in 2015?

19 A. And 2014, actually, yes. I opened
20 it up and at some point saved over it. It's
21 what's in my computer that way.

22 Q. Let's go back in time. You
23 clearly created versions of your manuscript,
24 which at the time was called Blue Moon
25 Rising, prior to the time you worked with

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1 Prospect Agency and Ms. Kim, correct?

2 A. Yes.

3 Q. Did you ever send the earlier
4 versions of your manuscript to Ms. Kim after
5 you started working with her?

6 A. Yes.

7 Q. You did. And when was that?

8 A. That would be at the Romance
9 Writers of America Conference in 2012.

10 Q. And what did you provide to her at
11 the romance writers' conference of 2012?

12 A. I provided to Emily all of the
13 notes that I had that she had not previously
14 received. I provided old -- an old version
15 of the manuscript that she had not received.
16 I provided photos to her of certain items she
17 and I discussed prior to me going to the
18 writers' conference.

19 Q. And how did you provide that
20 material to her?

21 A. So the notes and the old
22 manuscript bits were provided on a thumb
23 drive. And then the photos were printed in
24 eight-by-ten pictures from my printer.

25 Q. And do you have any record of

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1 providing that to Ms. Kim?

2 MR. DONIGER: Vague and

3 ambiguous as to record.

4 THE WITNESS: Can you say that

5 again, please.

6 MR. DONIGER: I said vague and

7 ambiguous as to record.

8 A. Yeah. Can you please explain what

9 you mean?

10 BY MR. KOONCE:

11 Q. Do you have any evidence, other
12 than your memory, that you provided all of
13 that material on a thumb drive to Ms. Kim at
14 the romance writers' conference?

15 A. Any other evidence? Well, my
16 husband is the one who did all the work for
17 me to do it because I'm technologically
18 challenged on the best of days, so Trent put
19 together the thumb drives for me, and it was
20 Trent who uploaded the photos and printed
21 everything out for me and put it in the
22 folder for me.

23 Q. And why were you delivering this
24 material to Ms. Kim?

25 A. Emily told me that she wanted to

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1 really have some time to really focus in on
2 what had inspired me for the books, what made
3 them interesting to me, where I was thinking,
4 you know, what my thoughts were, what my,
5 creative process was.

6 You know, I talk about the Dario
7 Campanile painting. I spoke about it earlier
8 today. That was one of the things that we
9 printed out for her to see. And some of the
10 things that I had in my house, she didn't
11 believe were really real.

12 Like, I have a sconce in my
13 house -- in my old house that looks like it's
14 a real candle sconce attached to the walls,
15 and it was one of the things that I had in
16 the story, and she was concerned about it
17 being a fire hazard or whatever, and she
18 wanted to see pictures of it. And the
19 gargoyles, the -- some of the furnishings and
20 things like that. The dragon and dragon claw
21 feet, the fantastical chess set.

22 Those were the things that she
23 wanted me to bring, and she thought we would
24 have a chance to brainstorm and do all that
25 during the conference was what my

1 directing her to do that.

2 Q. Did -- let me ask it differently.

3 Did she send your manuscript to Entangled
4 without your permission?

5 A. No.

6 Q. So it was at your behest that she
7 sent it to Entangled. Is that fair to say?

8 A. Emily asked my permission to send
9 the novel to a contact at Entangled.

10 Q. Okay. And is that true for --
11 would your answer be the same for all the
12 other publishers that she sent the book to,
13 that it was her idea and you approved it?

14 A. I believe that's right. I can't
15 recall with every publisher how it came about
16 or who mentioned it to whom first.

17 Q. And did there come a time when you
18 asked Prospect to withdraw your manuscript
19 from consideration by Entangled?

20 A. Yes.

21 Q. Okay. And when was that?

22 A. That would have been in the first
23 quarter of 2014.

24 Q. Okay. And why did you ask her to
25 withdraw your manuscript from Entangled?

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1 A. Because the version that we had
2 sent Entangled in October of 2013 was, in my
3 mind, not different enough from the version
4 that we submitted in 2014.

5 Q. Okay. So you ask her to withdraw
6 from Entangled because the -- well, strike
7 that.

8 Between the time that Emily Kim
9 submitted your manuscript to Entangled, about
10 four months passed, correct, and where you
11 told her to withdraw it, yeah?

12 A. Four to five months.

13 Q. Okay.

14 A. But there were two versions that
15 went to Entangled.

16 Q. What do you mean by that?

17 A. I mean, that the 2014 manuscript
18 came to be a rewrite because Emily told me
19 that Stacy Abrams liked the 2013 version, but
20 there were changes that needed to happen in
21 order for it to be -- for her to want see it
22 again. And so I revised it, I think, over
23 the Christmas break that year and gave it
24 back to Emily to submit is what I remember.

25 Q. Do you have any e-mails or any

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1 documentation that that occurred?

2 A. No, I don't.

3 Q. So I just want to make sure I
4 understand your testimony. So you're saying
5 that after the manuscript was submitted to
6 Entangled, that Stacy Abrams indicated that
7 she liked it but wanted a revision to it?

8 A. That's what I understood from
9 Emily.

10 Q. Okay. And then you did a rewrite
11 of the manuscript, and did what with it?

12 A. I can't tell you the differences
13 between 2013's version and 2014, but I made
14 some changes to it and that was the 2014
15 version.

16 Q. And did that -- did you have
17 Ms. Kim send that version to Entangled?

18 A. That was my understanding, yes.
19 That's why I said to withdraw the submission.

20 Q. Okay. So you asked her to
21 withdraw it because you wanted to submit
22 the -- I guess I'm not understanding.

23 If Ms. Abrams at Entangled asked
24 for a revision to the book she -- you had
25 sent, why would she ask -- why would you need

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1 to withdraw what she had in order to send a
2 new version?

3 Wouldn't you just send a new
4 version?

5 A. I'm not understanding your
6 question. I'm sorry.

7 Q. I'm not following your testimony,
8 I guess.

9 So you -- you had a submission out
10 to Entangled. An editor there told Ms. Kim
11 that she liked it and wanted to have a
12 revision and you created revision. And
13 rather than having Ms. Kim send it to
14 Ms. Abrams, you wanted to withdraw the prior
15 version?

16 A. No. My understanding was that
17 Stacy -- this is what my recollection is.
18 Stacy Abrams liked what she had read. She
19 read it before Christmas and that it was a
20 pass but she was really interested and liked
21 the writing, and if certain things were
22 different, if certain this or that, you know,
23 she would be interested in seeing something
24 from me.

25 And Emily and I discussed revising

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1 it and making some of the changes based on
2 what Emily told me, which I did, and that is
3 when the 2014 version was born. And I
4 thought that it was sent to Entangled, and
5 that is why I said to her to withdraw the
6 submission in 2014, that they wouldn't like
7 it as it is and feel like it was different
8 enough. I was unhappy with it.

9 Q. Okay. So what you were asking
10 Emily to withdraw was a revised version that
11 had been sent to Ms. Abrams in between
12 October of 2013 and March of 2014?

13 A. That's what I recall, yes.

14 Q. All right. Let me pull up a
15 document. And we're now somewhat out of
16 order, but this has not been used as a
17 document number. So I'm going to put into
18 the chat Exhibit 167, KIM00163954.

19 (Exhibit 167 was marked for
20 identification.)

21 A. Okay.

22 BY MR. KOONCE:

23 Q. So down at the bottom is an e-mail
24 from you to Emily Kim dated March 25, 2014.

25 A. Hold on.

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1 me in production or not or if I'm just
2 remembering them. So I don't recall.

3 Q. There's a statement about
4 two-thirds of the way through that paragraph
5 that said -- that says: She, meaning Kim,
6 said that young adult books and movies in
7 this genre were oversubscribed and that
8 Freeman would need to wait until her son
9 graduated from high school in 2021 to
10 resubmit her original manuscript.

11 Are you aware of any documents in
12 any party's production that support this
13 allegation?

14 A. No.

15 Q. I'm just trying to sort of
16 streamline since we only got a little bit
17 left.

18 Since you stopped working with
19 Prospect, have you submitted your manuscript
20 to any other publishers?

21 A. No.

22 Q. Have you made any inquiries to
23 agents?

24 A. No.

25 Q. Have you ever used any -- worked

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1 with any book doctors on your manuscript?

2 A. Define what you mean by book

3 doctor.

4 Q. Do you know what a book doctor is?

5 A. No.

6 Q. Someone who consults with you to

7 help make a book better.

8 A. Professional editor, who -- like a

9 writing teacher? Is that what --

10 Q. Have you worked --

11 (Simultaneous unreportable crosstalk.)

12 A. -- what you mean by, book doctor?

13 Q. It could be.

14 Have you worked with a

15 professional -- a writing teacher on your

16 manuscript?

17 A. Yes.

18 Q. Okay. And who was that?

19 A. Let me think. There's a William

20 Greenleaf, and there's a woman who used to be

21 a literary agent, whose name is escaping me

22 right now.

23 Q. And did you -- have you made

24 changes to the manuscript based on their

25 suggestions?

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1 A. No.

2 Q. Why not?

3 A. Because I didn't know what was
4 wrong with my book by the end. All the edits
5 in and edits out, I didn't know what was
6 wrong, and I, at the time, back after I left
7 Emily, I don't even think I really understood
8 how much had been edited.

9 So the reason for hiring those
10 people -- they're not book doctors. They are
11 people who give you a critique of your
12 manuscript and explain to you as the writer
13 where you are going right and where you're
14 going wrong. And that's what I felt I needed
15 after that time period.

16 And then you did ask me one
17 question, and I need to correct my answer on
18 it.

19 You asked me if after working with
20 Prospect, I had sent my book to another
21 literary agent or any literary agents, and I
22 did send it to one literary agent during this
23 time period, which is what precipitated me in
24 wanting to have a critique done of my book.

25 Q. And who was that agent?

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1 A. Andrea Brown that I met at a
2 writers' conference.

3 Q. And did Andrea Brown read your
4 manuscript?

5 A. She did.

6 Q. And did she decline to represent
7 you as an agent until you made changes to the
8 manuscript?

9 A. She did.

10 Q. And yet you did -- you have not
11 gone back and made any changes to the
12 manuscript based on hearing from her?

13 A. No.

14 Q. And why not?

15 A. Because I wanted to use the time
16 to improve my writing and to go back to the
17 original story that I wrote and loved
18 following Emily's advice, letting a number of
19 years go by for this particular genre that my
20 first novel was written in and enjoy the time
21 that I had to do it when my son graduated
22 from high school.

23 Q. So it's your testimony that
24 Ms. Kim advised you to wait until your son
25 graduated high school to do anything with

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1 this manuscript?

2 A. That's not the words that the
3 complaint says, but what is in the complaint
4 is what I was advised by my agent to do.

5 Q. Well, what's your recollection of
6 what you were advised by your agent?

7 A. The genre where I was -- the
8 writing was oversubscribed. All the Twilight
9 movies were out. It was an oversubscribed
10 time for that genre, and a number of years
11 needed to pass. She said six to ten. And I
12 said that's when my son graduates high
13 school. And she said that's probably a good
14 time to pick up that original story.

15 So I used the time to work on my
16 writing. This is the story I wanted to tell.

17 Q. And so you used that time to work
18 on editing this book?

19 A. No. To work on my writing as a
20 craft. To be a better writer.

21 Q. So after -- was there a point
22 after you stopped working with Prospect -- a
23 period of time, rather, during which you did
24 make any substantive edits to Masqued, or did
25 you stop editing it at that point in time?

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1 A. I called whatever I was working on
2 Masqued. I never changed the title of it and
3 just played around with some of the concepts
4 and writing from it for -- I don't know --
5 for a couple of years.

6 Q. So going back a little bit in
7 time, you did change your title at one point
8 from Blue Moon Rising to Masqued.

9 Why did you do that?

10 A. Emily and I discussed that
11 together, and I think some of the changes
12 that had happened with the story -- the edits
13 were changing, what the original love story
14 to me, in my mind a bit, and so -- I don't
15 know. She was talking about a one-word title
16 might be easier, and I think -- I came up
17 with Masqued.

18 Q. Okay. But is it -- she didn't
19 tell you you needed to change the title, did
20 she?

21 A. No, I don't recall her saying
22 that.

23 Q. And let me -- let me mark as
24 Exhibit 170 KIM0011500783.

25 (Exhibit 170 was marked for

1 agent about not only your life but
2 developments that you discussed from your
3 books and elements from your stories, and
4 that they were all found in Crave.

5 What information about your life
6 that you provided privately to Ms. Kim are
7 found in Crave other than the one example you
8 gave previously which was panic -- a focus on
9 panic attacks?

10 A. So Emily and I talked about the
11 heroine turning into a gargoyle. I didn't
12 have a name for what she was, and she's this
13 unique being who hasn't been seen in ten
14 generations. And gargoyle was discussed for
15 mine. Emily didn't know what they were. I
16 talked about what they were. I explained how
17 they're protectors.

18 It was a concept and idea that we
19 discussed having in my books, especially
20 since I had the gargoyle collection, and, you
21 know, they're neat and unusual paranormal
22 creatures.

23 The character names of Grace and
24 Jaxon -- Grace is my niece, my only niece,
25 and I asked my brother and sister-in-law's

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1 permission way back in the day about using
2 that name as the heroine's name.

3 Jaxon was my first dog. Emily and
4 I discussed that name for being for the
5 romantic lead. We even discussed the
6 spelling of it as J-A-X-O-N, which I worried,
7 and I probably shouldn't have, that The
8 Dragonriders of Pern series by Anne McCaffrey
9 features a Jaxom, J-A-X-O-M, and I thought,
10 gee, if we spell it J-A-X-O-N is that too
11 similar with what was going on with Anne
12 McCaffrey's old books, The Dragonriders of
13 Pern.

14 Phil -- Uncle Phillip is my
15 brother. He's the only uncle that my, you
16 know, little guy has from my side of the
17 family, Uncle Phil. And --

18 Q. And -- I'm sorry, go ahead.
19 Finish, please.

20 A. And so these names, while they --
21 they were names that were discussed for my
22 book about what I would do and what my
23 character name changes would be.

24 So to see them all in Crave was
25 unsettling for the heroine and the romantic